

REMARKS

Claims 1-44 were pending and under examination. In the Office Action mailed May 17, 2005 the Examiner makes a Restriction Requirement, restricting pending Claims 1-44 into the following eight groups:

Group I. (Claims 1-16, 27-31, and 43) drawn to a ballistics calculator system, classified in class 89, subclass 41:17.

Group II (Claims 17-25) drawn to a reticle, classified in class 33, subclass 297.

Group III (Claim 26) drawn to a target acquisition device, classified in class 42, subclass 122.

Group IV (Claim 32) drawn to a method for using a ballistic calculator system, classified in class 434, subclass 19.

Group V (Claim 33) drawn to a method for shooting comprising selecting an aiming point and using aiming point information, classified in class 89, subclass 1.11.

Group VI (Claims 34-38) drawn to a recticle classified in class 33, subclass 297.

Group VII (Claims 39-42) drawn to a target acquisition device classified in class 42, subclass 122.

Group VIII (Claim 44) drawn to a method for shooting comprising providing a device, a calculator system, selecting an aiming point and using the aiming point classified in class 434, subclass 27.

In the Office Action of May 17, 2005 the Examiner states:

“11. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes is proper.” (Office Action of May 17, 2005, page 5).

Applicants elect, without traverse, to prosecute the claims of Group I. In an Amendment accompanying this response, Applicants have canceled Claims 1-44 in order to further their business interests and the prosecution of the present application. Applicants reserve the right to prosecute the canceled claims of Groups II – VIII in one or more divisional applications. Applicants have added Claims 45-83, all of which are directed to the subject matter of Group I.

In the Office Action of May 17, 2005 the Examiner states:

“12. This application contains claims directed to the following patentably distinct species of the claimed invention:

Applicant is required to elect a singled species regarding **the information the program uses**, from: external conditions, the firearm being used, the projectile being used, the target acquisition device being used, the shooter, the relation of the shooter and the target (for example applicant may elect xternal conditions only; firearm being used only; external conditions and firearm being used only; external conditions and the projectile being used and firearm being used only, etc.).” (Office Action of May 17, 2005, page 5.) (Emphasis in original.)

Applicants elect, without traverse, to prosecute claims drawn to the target acquisition device being used. In an Amendment accompanying this response, Applicants have cancelled Claims 1-44, and added Claims 45-83, all of which are directed to the target acquisition device being used of Claim 1.

In the Office Action of May 17, 2005 the Examiner states:

“If applicant elects information regarding *the target acquisition device and reticle* being used, then applicant must further elect a single species regarding **the target acquisition device and reticle being used** from: type of reticle, power of magnification, plane of function, the positional relationship between the target acquisition device and the firearm, the range at which the target acquisition device was zeroed using the firearm

and projectile. (See example above)" (Office Action of May 17, 2005, page 6.) (Italics and emphasis in original.)

Applicants elect, without traverse, to prosecute claims drawn to the type of reticle being used. In an Amendment accompanying this response, Applicants have cancelled Claims 1-44, and added Claims 45-83, all of which are directed to the type of reticle being used of Claim 1.

In the present Amendment and Response to Office Action of May 17, 2005 Applicants have added Claim 83. Claim 83 recites the method of using the ballistics calculator system of Claim 1, and thereby is fully in accord with the Applicant's claim Group I restriction, and with the Applicant's species elections.

CONCLUSION

Should the Examiner believe that a telephone interview would aid in the prosecution of this application, Applicants encourage the Examiner to call the undersigned collect at (608) 218-6900.

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